PIL (3)

IN THE HIGH COURT OF JUDICATURE OF CHATTISGARH, BILASPUR.

W.P. of 2007

Dr.PRATAP AGRAWAL S3o.Late B.N.Agrawal,
Advocate, Jagdalpur, 494001. ... Applicant.

vs.

State of Chattisgarh
through ; Secretary,
Deptt of General Administration,
Mantralaya, Raipur. ... Non-applicant.

Public Interest Litigation for appropriate WRIT, diredting State of Chattisgarhnfor administration of criminal justice.

The applicant submits as under :

XI-HC-22

A.F.R

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No.388/2001
मामला क्रमांक - सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
6-8-2001	Shri O.P. Agrawal for the petitioner. Shri N.K. Shukla, Dy.A.G., for the respondent/State. Heard. By This petition has been filed by the petitioner styling as public interest litigation. Learned counsel for the respondent submits that the averments made in the petition are self serving. He referred to paragraph 19 of the petition wherein the petitioner had submitted that he was appointed as Special Public Prosecutor in Sessions Trial No.201/98 (State vs. Shyamsunder Khatri) before the Addl.Sessions Judge, Jagdalpur ending in conviction, and also in Special Case No.61/98 (State vs. Indrajeet). In this case, the appointment came to the applicant/petitioner while the eye-witnesses had been examined but the labour put in by the petitioner will be clear if the case is examined. He is a citizen of India and has all rights to be treated with respect and response in the field of his merit. This should not depend on the personal convenience of the district administration. Why the letters and recommendations of Inspector General of Police not heeded to ? The administration becomes deaf, dumb and paralysed when action against mafia of Seth-Neta-Naukarshahi is required and are very active and violent when they want to suppress honest persons with integrity. Administration has joined hands with criminals as a partner	

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of the gang. The officers are involved in blackmail, cheating, corruption, goondaisum and abuse of power.

It is also pointed out that in the case of Malik Brothers vs. Narendra Dadhich and others reported in 2000(1)JLJ 36, the Apex Court has dealt the matter. The self serving litigation is to be avoided in the garb of public interest litigation and should not be for the benefit of any individual. It is held that if in the garb of public interest litigation, actually an individual's interest is sought to be carried out or protected, it would be the bounden duty of the Court not to entertain such petition as otherwise the very purpose of innovation of public interest litigation will be frustrated. The Apex Court has further held as under :

> "It is in fact a litigation in which a person is not aggrieved personally but brings an action on behalf of the downtrodden mass for the redressal of their grievance."

It is further submitted by the Deputy Advocate General that the allegations have been made against Shri Pravir Krishna and Smt.Richa Sharma, who have not been joined as parties.

Learned counsel for the petitioner referred to the

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

case reported in 1988 SCC(Cri)566 (Mukul Dalal and others vs. Union of India and others), wherein it has been held that the appointment of an advocate as Special Public Prosecutor cannot be made on mere asking by private complainant. Request of the private complainant for such appointment must be examined by Legal Remembrancer on the basis of guidelines prescribed or to be prescribed and decision taken accordingly.

So far as the facts of the present case are concerned, they are altogether different from the abovesaid case.

In the aforesaid facts and circumstances and the material on record, we find that no case is made out for invoking the extra ordinary jurisdiction under public interest litigation, especially in view of the fact that the allegations against Shri Pravir Krishna and Smt.Richa Sharma have been made, who have not been joined as parties and roving inquiry cannot be ordered.

Rules of prudence and caution also require that public interest litigation should not be allowed to be used to settle personal disputes.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.388/2001 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
H/- (1+2)	- 4 - Having considered the case, in our opinion, the petition as public interest litigation deserves to be and is accordingly dismissed. Sd/- Chief Justice Sd/- Fakhruddin Judge	